THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 19731 of 2005

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Dated:13.09.2005

Between:

P. Bala Swamy, S/o Rayappa,
Kodad Development Committee, R/o Kodad, Nalgonda District.

..... PETITIONER

AND

The District Collector, Nalgonda District, Nalgonda, and others.

.....RESPONDENTS

ORDER:

The petitioner is a practising advocate of Kodad town, Nalgonda District. He is aggrieved by the action of the respondents in constructing a building in the land admeasuring Ac.0.30 gts in Survey No.102 of Kodad Village for Mandal Velugu Training Centre (MVTC). According to the petitioner, the said land was earmarked for Public Park, and therefore, any construction is unconstitutional and illegal.

In view of the serious allegation made by the Advocate of Kodad, the learned Assistant Government Pleader for Panchayat Raj & Rural Development was directed to get instructions in the matter. After getting instructions in the matter, the learned Assistant Government Pleader has placed before this Court the necessary material to show that the land in Survey No.102 of Kodad Village is not earmarked for Park, that the Gram Panchayat passed resolution on 17.02.2005 permitting the construction of Sangamitra Bhavan (MVTC). He also submits that the Collector issued proceedings on 28.12.2004 according sanction for the construction of Sangamitra Common Facility Centre cum MVTC Building at Kodad Village and other places. During the course of the arguments the learned counsel for the petitioner, Sri.Palle Nageswar Rao, has placed the proceedings, dated 19.06.1974, issued by the District Collector, Nalgonda, in support of the contention that the land in Survey No.102 of Kodad Village is known as Gandhi Park, and that the Gram Panchayat records also refer to the land as Gandhi Park up to 1974.

A reading of the proceedings of the Collector would not in any manner support the contention that the land in Survey No.102 is earmarked as a Park. The said proceedings relates to the site known as Gandhi Park, which, even according to the District Collector, vests in the Gram Panchayat. In spite of grant of sufficient time, the learned counsel for the petitioner has not placed any material before this Court in support of the contention that the area is, indeed, earmarked as Gandhi Park. Be it noted, by mere naming a vacant place as a Park, the same would not become the Park area, prohibiting the Gram Panchayat for permitting any construction thereon. Indeed, the proceedings of the District Collector itself refers to the various constructions made in the land from time to time like Public Library of Kodad Village and fourteen shops constructed thereon.

Therefore, this writ petition is misconceived, and if the petitioner has any grievance, it is open to him to approach the District Collector in this regard. The writ petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

13.09.2005

vs